IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE TWENTY FIRST DAY OF JULY
TWO THOUSAND AND FOUR

PRESENT

THE HONOURABLE SRI JUSTICE V.V.S.RAO

WRIT PETITION NO.2537 of 1999

Between:

Nadakuduru Satyanarayana, S/o.Babiraju,

Aged 45 yrs, r/o.Dharmavaram, Prathipadu Mandal,

East Godavari District.

...PETITIONER

AND

1. The District Collector, Visakhapatnam.
2. The Joint Collector, Visakhapatnam.
3. The Revenue Divisional Officer, Narsipatnam, Visakhapatnam District.
4. The Mandal Revenue Officer, Nakkapalli, Visakhapatnam District.
5. P.Venkata Satyanarayana Raju, r/o.Rambilli, Visakhapatnam District.

...RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ, order or direction more particularly one in the nature of writ of Mandamus declaring the sale of the usufruct of cashew tope in Survey Nos.195, 196 and 197 of Bangarumpet, h/o.Gunupudi (V) with an extent of Acs.70.00 in pursuance to the auction dt.21.09.1998 as illegal and arbitrary and violative of Article 14 of the Constitution of India and consequently direct the respondents 1 to 4 to set aside the sale of usufruct of cashew tope with an extent of Acs.70.00 in Survey Nos.195, 196 and 197 of Bangarampet, h/o.Gunupudi (V) and by directing the respondents 1 to 4 to conduct fresh auction in the above matter and pass such other order or orders as this Hon'ble Court may deem fit and proper.

Counsel for the Petitioner: MR.V.V.N.NARAYANA RAO

Counsel for the Respondent Nos.1 to 4: GP FOR REVENUE

Counsel for the Respondent No.5: MR.M.S.R.SUBRAHMANYAM

MR.S.VENKATESWARA REDDY

The Court made the following:

ORDER:

The petitioner herein questioned the auction conducted by respondent Nos.1 to 4 for selling usufruct of cashew tope in Survey Nos.195, 196 and 197 of Bangarumpet, Hamlet of Gunupudi Village in the year 1998. Though the Writ Petition was admitted, this Court did not stay the further proceedings. However, it is observed that delivery of possession of usufruct of cashew tope to the fifth respondent is subject to final hearing. It is brought to the notice of this Court by the learned counsel for the fifth respondent, Sri S.Venkateswara Reddy that the fifth respondent has already collected the usufruct of cashew tope in the above said Survey Nos. and in subsequent event, some one else was the successful bidder. In that view of the matter, the Writ Petition has become infructuous and is accordingly dismissed.

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(V.V.S.RAO, J)

21st July 2004

RRB

ASSISTANT REGISTRAR

//True Copy//

SECTION OFFICER

Copies To:

1. The District Collector, Visakhapatnam.
2. The Joint Collector, Visakhapatnam.
3. The Revenue Divisional Officer, Narsipatnam, Visakhapatnam District.
4. The Mandal Revenue Officer, Nakkapalli, Visakhapatnam District.
5. Two CCs to G.P. for Revenue, High court of A.P., Hyderabad (OUT).
6. Two CD copies.